

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

RAFAEL J. PETITPHAIT,

Plaintiff,

v.

Case No: 6:20-cv-206-Orl-37GJK

INFINITI EMPLOYMENT SOLUTIONS
and STACON, INC.,

Defendants.

REPORT AND RECOMMENDATION

On March 5, 2020 I struck Plaintiff's application to proceed without prepaying fees and costs because it contained the full names of his children (Doc. 3). My Order also informed Plaintiff that his complaint, which alleges that he was subjected to verbal abuse and later terminated from employment by Defendants based upon false allegations of unsatisfactory work, fails to "state a claim to relief that is plausible on its face." (*Id.* at 3); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557 (2007).

I gave Plaintiff until March 12, 2020, to file an amended complaint and a renewed application to proceed in district court without prepaying fees or costs (Doc. 3 at 4). Plaintiff was warned that if he "fail[ed] to amend his complaint and application within the time provided then the undersigned will recommend that this case be dismissed without prejudice, without further leave to amend." (*Id.*).

Plaintiff has not filed an amended complaint or a renewed application to proceed in district court without prepaying fees or costs. Consequently, I **RESPECTFULLY RECOMMEND** that this case be **DISMISSED WITHOUT PREJUDICE**, without further leave to amend.

Notice to Parties

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. See 11th Cir. R. 3-1.

DONE and **ORDERED** in Orlando, Florida, on March 23, 2020.



THOMAS B. SMITH
United States Magistrate Judge

Copy furnished to pro se Plaintiff